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Webster Point Agreement Reached

Scaled Back Development Calls for 44 Houses in place of 108 Condos

By SUSANNA SHEEHAN

Abutters to Webster Point Village, a proposed Chapter 40B project on the Duxbury/Marshfield line, have reached an agreement with the developer and the two towns that would allow a scaled-back version of the development to move forward.

New plans revealed at the selectmen's meeting Monday night show 16 single-family homes on 18 acres in

Duxbury and 24 new houses on 27 acres in Marshfield. The development site is located off Route 139 near the Careswell St. intersection. The closest Duxbury neighborhood is on Duck Hill Rd.

In April 2002, the developers, Delphic Associates Inc. of New Bedford, originally proposed 108 detached single-family condominiums – 51 in Duxbury and 57 in Marshfield.

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Webster Point Agreement Reached

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Delphic Associates applied to the Zoning Board of Appeals for a comprehensive permit under Chapter 40B, the state law that allows builders to bypass local zoning laws and usual reviews by town committees, such as the planning board, when developing land provided that 25 percent of the homes are affordable. Known as the "anti-snob" zoning law, Chapter 40B is used in towns in which than 10 percent of housing is classified as "affordable." In Duxbury, approximately three percent of housing is considered "affordable."

In the new Webster Point Village plan, four houses in Duxbury and six in Marshfield will be classified as affordable and will sell for less than \$200,000. The new homes will be "typical Colonials" with clapboard fronts and shingle sides, said the developer's attorney Edward Sylvia. The affordable units must resemble the market rate units in overall size, appearance and quality and they will remain affordable in perpetuity.

In April 2003, the Duxbury Zoning Board of Appeals approved a comprehensive

tural plans for the homes are to be agreed upon by those involved.

The final condition states that the developer must enter into an "agreement for judgment" with the Housing Appeals Committee that incorporates these conditions and drop their appeals of the two town's ZBA decisions that have been filed with the Housing Appeals Committee.

"This compromise permits a far more reasonable development on these sensitive 45 acres than proposed...in March 2002...and respects the site's unique topography and extensive wetland resources," wrote Dunn. "The resulting project will be constructed at a density of slightly less than one unit per acre, creates ten below market rate dwellings, protects abutting property owners, prohibits development in those portions of the locus unsuited for development and concludes a thirty-five year battle over the future of this parcel of land."

In return for agreeing to the new plan, individuals and members of the association who have filed lawsuits will drop their complaints. In March 2002, Duxbury selectmen unanimously voted to

ment and the water advisory board.

Selectman Andre Martecchini said the town should make it clear that if it does provide water to Marshfield for this project that that will not set a precedent that means Duxbury must supply water to any other development straddling its borders. Even under Chapter 40B, the state could not force Duxbury to provide its water to another town, he said.

"I feel very strongly that we are under no obligation to do this," said Martecchini. "If we do this, we'll do it in the spirit of cooperation."

"I don't think any city or town can be forced to give up any of its natural resources," said Duxbury town counsel Robert Troy.

Troy said he thought the scaled back plans for single-family homes were an "enormous improvement."

"I think what's proposed is vastly superior to what was initially filed," said Troy. "We have worked a long time on this. It's an enormous improvement over the original proposal."

Sylvia called the new plan "a reasonable agreement" between the developer and the

Republican Town Committee Meeting

There will be a meeting of the Republican Town Committee on Monday, October 20 in the Merry Meeting Room at the Duxbury Free Library at 7:30 p.m. Everyone is welcome. Call Rita Strong 934-0880 with questions.

Please join us for our Annual Fall Festival by The Sea Saturday, Sunday and Monday October 11, 12 & 13

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in Duxbury. Subsequently, Duck Hill Rd. neighbors filed a lawsuit to try to annul that decision. Delphic Associates also appealed the ZBA's decision to the state Housing Appeals Committee.

In September, the Marshfield & Duxbury Neighborhood Association, Inc. reached an agreement with the developer. This "acceptable compromise" comes after "many months of discussions, meetings and sincere effort," stated Daniel Dunn of Duck Hill Rd. in a letter to Duxbury selectmen. Dunn is the association president.

If the developer agrees to the compromise it will result in multiple lawsuits being dropped against the developer, the state agency MassHousing and Duxbury and Marshfield.

In addition to the reduction in density, there are several other conditions in the agreement. First, there will be a permanent conservation restriction placed around the perimeter of the land. Second, there will be restrictions on how close a house can be built to abutting properties. Third, there can be no building, road, utility or any kind of structure on the portion of the land that has frontage on Duck Hill Rd. Originally, a single-family house was proposed for a lot there. This land will be included in the conservation restriction. Also the architect-

Neighborhood Association against the MassHousing Finance Agency because they believe it ignored their objections to this development. The town's concerns included the location's very steep and hilly topography, the dense development's negative impact to public drinking water wells in both Marshfield and Duxbury, the increase in traffic along Route 139 and the potential impact to significant wetlands in the area.

Duxbury selectmen also voted against supplying the Marshfield portion of the development with Duxbury water. Selectmen are the town's water and sewer commissioners.

As part of the compromise, the neighborhood association supports the developer's desire to have Duxbury supply the Marshfield houses with water. Sylvia said connections from Duxbury to the Marshfield portion were installed in the 1980s, when a subdivision was proposed for the site but was never built.

Duxbury currently supplies 44 homes in Marshfield with water and Marshfield provides 200 Duxbury homes with water.

Monday night, Selectmen Chairman Betsy Sullivan said she would not vote on whether to allow this development to use Duxbury water until she had heard recommendations from the town's water depart-

"I think we're pretty much there," he said. "We more than comply with everybody's requirements."

Once the details have been settled, Troy will present the agreement to selectmen who will vote on it and also on whether to provide the Marshfield units with water. Troy expects the agreement to be finalized in early November.

Harvest Festival

The Berrybrook School on Winter Street is holding its third annual Harvest Festival on Saturday October 18 from 10 a.m. to 1 p.m. (rain date Sunday October 19).

This family fun event includes hayrides, games and crafts, refreshments, and musical entertainment from "The Resonators". Bring a picnic lunch and a carved pumpkin for display.

All proceeds from the \$10 per family ticket (sold at the gate) will benefit enrichment programs for the children. The festival is sponsored by the Berrybrook Parents Association. For more information call 781-585-2307.

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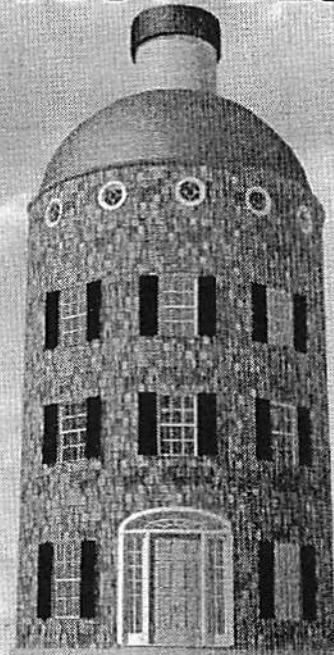
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